IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 6TH DECEMBER 2006 / 15TH AGRAHAYANA 1928

Crl.MC.No. 3974 of 2006()

CC.756/2000 of JUDL. MAGISTRTE OF FIRST CLASS COURT-III, THRISSUR

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PETITIONER:

M.A.RAMESHAN,
S/O.AYYAPPAN, KALLOTHUCHIRAYIL,
MADATHIL HOUSE, KANDAM, MUTHTALAKODAM P.O.,
THODUPUZHA, (ADDRESS SHOWN IN THE COMPLAINT),
NOW AT KOVILAKATHU CHIRAYIL, R/AT.10/1556,
OPP.CCEA HALL, FORT KOCHI, KOCHI-1.

BY ADV. SRI.A.B.JALEEL

RESPONDENTS:

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1. T.A.CHANDRAN,
THADATHIL HOUSE,
PERAMANGALAM, THRISSUR.

2. STATE OF KERALA,
REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 06/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 3974 OF 2006

Dated this the 6th day of December, 2006

ORDER

The petitioner was found guilty, convicted and sentenced in a prosecution under Sec.138 of the N.I. Act. He was accused in two prosecutions. This Crl.M.C. relates to C.C.No.756/2000 before the learned Judicial Magistrate of the First Class-III, Thrissur. As per the order passed in the revision petition, the petitioner was directed to pay an amount of Rs.20,000/- as compensation. According to the petitioner, he has already deposited the amount before the learned Magistrate. The petitioner has objection against the release of the amount to the complainant. According to him, the amount of compensation which is directed has already been paid to the complainant in execution of a decree of the civil court. It is his contention that he is entitled to get the said amount adjusted towards the liability to pay compensation in this case.

2. I am of opinion that no orders need be passed by this Court in the matter. The facts need to be verified. I am

satisfied, in these circumstances, that a direction can be issued to the learned Magistrate to verify if the amount of Rs.20,000/- has already been paid to the complainant through the civil court and pass appropriate orders regarding release of the amount to the complainant after such ascertainment of facts. If necessary, the learned Magistrate can seek further direction from this Court.

3. With the above observations, this Crl.M.C. is dismissed.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-

(R. BASANT, JUDGE)

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//true copy//

P.S. to Judge